

## **PART 6 ALLEGATIONS OF QUID PRO QUOS**

### **Chapter 37 Cheyenne-Arapaho Tribes of Oklahoma**

The Committee investigated allegations that the DNC solicited \$100,000 from a politically naive and poor Native American tribe; improperly granted tribal members access to the President of the United States; and illegally promised the return of historic tribal lands currently used by the federal government in a quid pro quo exchange for a contribution from the Tribes' "welfare" fund. The evidence discovered in the course of the investigation, however, shows that the DNC did not solicit a contribution from the Tribes; the Tribes were very active in state and federal elections in 1996; they did not have a "welfare" fund; and neither the Administration nor the DNC acted improperly or illegally in response to the Tribes' efforts to regain the Fort Reno, Oklahoma tribal lands.

#### **FINDINGS**

- (1) No arrangement existed, or was ever contemplated, between the Cheyenne-Arapaho Tribes of Oklahoma and the Democratic National Committee or the Administration to return tribal lands held by the federal government to the Tribes in exchange for a political contribution to the DNC.**
- (2) The evidence before the Committee supports the conclusion that the DNC and the Administration acted properly and legally throughout the course of their dealings with the Tribes.**

#### **OVERVIEW**

To fully understand the significance of the events that took place with respect to the Cheyenne-Arapaho Tribes of Oklahoma (the "Tribes") during the 1996 election cycle, and to put each of these events in their proper context, it is important to understand the Tribes' efforts over the past fifteen years to obtain the subsurface mineral rights for the historic tribal lands located in Fort Reno, Oklahoma, that are currently used by the federal government.

In the 1800's, the federal government carved approximately 10,000 acres out of land held by the Cheyenne and Arapaho Tribes and established a military reservation known as Fort Reno. The Fort Reno lands are located in Canadian County, Oklahoma, and there is "ample evidence of oil and gas deposits under much of the area."<sup>1</sup> The Department of Agriculture currently utilizes the bulk of the Fort Reno lands for an agriculture research station ("ARS") and the Department of Justice also operates a prison on a portion of the site.

In 1975, Congress created a legislative mechanism known as the Surplus Property Act<sup>2</sup>

that allows Native American tribes to seek recovery of former tribal lands from the federal government.<sup>3</sup> Under the Surplus Property Act, tribes are entitled to the restoration of their lands if those lands are declared excess federal property. For the past fifteen years the Cheyenne-Arapaho Tribes have aggressively lobbied Congress, as well as the Reagan, Bush, and Clinton Administrations, in an effort to obtain the subsurface rights to the Fort Reno lands under the Surplus Property Act.

In 1990, Eddie F. Brown, President Bush's Assistant Secretary for Indian Affairs in the U.S. Department of Interior, confirmed in a letter to Senator Daniel Inouye that "the Fort Reno property, were it declared excess federal property, would satisfy the requirements of the Oklahoma provision of the Surplus Property Act" and could be transferred to the Department of Interior to be held in trust for the benefit of the Tribe.<sup>4</sup> In 1993, the Tribes enlisted the services of Patton, Boggs & Blow to make their case that the lands should be declared excess. The firm wrote to the General Counsel of the U.S. Department of Agriculture, "as you know, the Cheyenne and Arapaho Tribes have requested that the [USDA] declare excess to its needs the subsurface rights to an area known as the Fort Reno Lands."<sup>5</sup> The firm explained that the Tribes sought to "develop the subsurface minerals without undue disturbance to the surface" which would allow the USDA to continue operation of its agriculture research station on the surface of the Fort Reno lands.<sup>6</sup>

On November 19, 1993, George B. Farris, Acting Director, Office of Trust Responsibilities, Bureau of Indian Affairs, United States Department of the Interior, stated in a letter that the Bureau of Indian Affairs supported the return of the Fort Reno lands to the Tribes if the requirements of the Surplus Property Act were satisfied. Mr. Farris wrote:

As you know, it is the position of the Bureau of Indian Affairs that if the Fort Reno lands are declared excess Federal property by the Department of Agriculture, the property would satisfy the requirements of the Oklahoma provision of the Surplus Property Act [40 U.S.C. Sec. 483(a)(2)(1982)] and the lands should be returned to the tribes. We are certainly in support of the subsurface rights to these lands being returned to the Cheyenne and Arapaho Tribes.<sup>7</sup>

Up to 1993, the Tribes' efforts had focused on obtaining use of the subsurface rights of the Fort Reno lands in a manner which would not disturb the ARS operated by the USDA or the federal prison. By gaining the right to drill oil on the Fort Reno lands, the Tribes would have reaped substantial financial rewards. In 1994, however, the Tribes saw an opportunity to obtain the surface rights to the lands as well.

## **THE BATTLE OVER THE CLOSURE OF THE FORT RENO ARS**

In early 1994, the Clinton Administration released its proposed budget for fiscal year 1995. This budget proposal called for the closure of the USDA's agriculture research station operated on the Fort Reno lands because it was outdated and inefficient compared to other similar research facilities. The Congressional Research Service ("CRS") had reviewed the productivity of the five scientists working at the Fort Reno ARS, and after comparing it to other research facilities, had found that there were similar research facilities located in Miles City, Montana and Clay Center, Nebraska that proved to be more modern and more productive than the Fort Reno facility which it termed "outdated."<sup>8</sup>

Closure of the research station would likely have resulted in the Fort Reno lands being declared excess federal property and consequently returned to the Tribes pursuant to the Surplus Property Act. However, the Oklahoma congressional delegation opposed the Clinton Administration's proposal to close the ARS. On February 7, 1994, Congressman Frank Lucas wrote to the chairman of the subcommittee of the Appropriations Committee responsible for the USDA budget and urged him to preserve funding for the Fort Reno agriculture research station.<sup>9</sup> According to tribal attorney Rick Grellner, during a May 1994 meeting with representatives of the Tribes, a staff member for Lucas argued that Congress had to restore funding for the Fort Reno ARS or the Tribes would get the land.<sup>10</sup>

In the summer of 1994, tribal representatives traveled to Washington, D.C. a dozen times to lobby Members of Congress.<sup>11</sup> They received no support, however, from the Oklahoma delegation. According to Archie Hoffman, a Cheyenne-Arapaho tribal leader, Ryan Leonard, an aide to Senator Don Nickles, told the Tribes at that time that they did not get attention because they were not involved politically.<sup>12</sup> The New York Times reported Hoffman's account of one of these 1994 trips:

Tribal leaders went to Mr. Nickles's office in Washington, but they said a Nickles aide denied them an opportunity to meet with the Senator. Mr. Hoffman said that was when they decided to form a political action committee and register thousands of American Indians to vote.<sup>13</sup>

The Philadelphia Enquirer reported that the Tribes were told that the reason their issues were not addressed was because "Indians don't vote."<sup>14</sup> In response, the Tribes registered 7,000 tribe members to vote and "set out to make Oklahoma's biggest donation to the Democrats."<sup>15</sup>

Although the Tribes did win an initial victory when the Senate voted 76-23 in favor of closure of the Fort Reno ARS, the Oklahoma congressional delegation continued to work to restore \$1.7 million in the House-Senate budget conference bill to keep the station open. On July 25, 1994, Congressman Lucas, Senator Nickles and Senator David Boren, co-signed a letter to the Senate-House conferees on the fiscal year 1995 Agriculture and Related Agencies Appropriations bill, urging them to support an effort to restore funding for the Fort Reno facility.<sup>16</sup> These efforts ultimately proved successful, and funding for the Fort Reno ARS was

restored in the fiscal year 1995 budget.<sup>17</sup>

In a letter to a constituent, Senator Nickles described the steps taken to save the Fort Reno ARS:

As you know, the Fort Reno research facility was targeted for termination by President Clinton in his 1995 budget proposal. After the House agreed to the President's proposal, I managed to amend the agriculture funding bill to save the station from closure. Then, regrettably, my amendment to fund Fort Reno failed to survive Senate consideration.

Following Senate action on the agriculture funding bill, I joined with Senator David Boren and Congressman Frank Lucas in asking the joint House-Senate conference committee to reinstate funding for this important research facility. . . I then followed this letter up with phone calls to the chief negotiators on the bill.<sup>18</sup>

The Fort Reno ARS supporters won the 1995 budget battle, but the Administration continued its effort to streamline the government by eliminating an inefficient, outdated research facility and the Tribes continued their effort to regain control of the subsurface and surface rights to the Fort Reno land on which the research station idled.

On November 8, 1994, less than two months after the Fort Reno ARS was rescued from President Clinton's budget cuts, a delegation from the Tribes met with officials at the Department of Agriculture to propose a compromise that would enable the Tribes to use the Fort Reno land, yet still keep the research facility open, and allow the Veterans Department to establish a national cemetery on part of the land.<sup>19</sup> Elwood Patawa, Director of Native American Programs for the Department of Agriculture, drafted a memorandum for the Deputy Secretary in which he outlined the compromise proposed by the Tribes. Patawa explained:

This approach (the Tribes' proposal) satisfies the Tribes, the veterans, the President's directives to reinvent government, the [Agriculture] Department's evaluation of the ARS station, the congressional interest expressed in the FY95 Appropriation Act, the Executive Order regarding arrangements of comity and cooperation with tribal governments, the Surplus Property Act, the Veterans Department process in citing [sic] a cemetery in Oklahoma...<sup>20</sup>

At the same time, the Cheyenne-Arapaho obtained the help of other Native American tribes in lobbying for the return of the Fort Reno lands. Members of the Upper Sioux Community in Granite Falls, Minnesota wrote to the Bureau of Indian Affairs in support of the proposed transfer of the Fort Reno lands to the Tribes.

Throughout 1995, the Tribes continued to lobby local and national government agencies

and officials. Their efforts, however, met with little success. Despite renewed attempts by the Clinton Administration to delete funding for the Fort Reno ARS in the fiscal year 1996 budget, Congress once again restored the funding. Even the Tribes' effort to have the El Reno, Oklahoma city council pass a resolution of support proved unsuccessful. Although the vote on the resolution was 4-3 in favor, the resolution failed because two council members did not attend the meeting and because the council's operating procedures required a resolution to receive at least 5 votes to be official.

Several council members indicated that Senator Nickles had intervened to ensure that the city council resolution would fail. Council member J.P. Fitzgerald, who voted against the resolution, and another council member who did not attend the meeting, had agreed to support the resolution just a few days earlier, before they were contacted by a member of Senator Nickles' staff.<sup>21</sup> According to press reports, council member Fitzgerald said he voted against the resolution "because U.S. Sen. Don Nickles' staff told him that the Tribes' land claim could not be intertwined with any cemetery resolution."<sup>22</sup> Another council member, Matt White, who also voted against the resolution, said, "We gave Nickles what he asked for" when the council passed an earlier resolution that merely supported the national cemetery and did not address the Tribes' land claim.<sup>23</sup>

On December 11, 1995, ABC News aired a segment on the Clinton Administration's effort to cut waste from the federal budget, including ending the "charmed life" of the Fort Reno ARS:

Peter Jennings: For our weekly look at how the government spends your money, we look tonight at a particular program that seems to have a charmed life. Despite a decision by agriculture department officials to shut this project down -- it just keeps going on....

Senator Patrick Leahy (D-VT): What happens is that they're strapped for money because the money is being spent just propping up aging, decaying, obsolete facilities in other parts of the country. Example: Fort Reno, built in the 1880's, the USDA says it will cost too much to modernize, \$8 million.

John Martin: Everybody says they want to save money. So why hasn't Congress closed Fort Reno and the others? Well each of the stations has at least one die hard patron who insists his station is too important to close. So they stay open. Fort Reno's patron is Don Nickles.

Senator Don Nickles (R-OK): We haven't put a lot of money into building. What we have done is put research in the ground.<sup>24</sup>

Restoration of funding for the Fort Reno ARS effectively blocked the Tribes' effort to have the land declared "excess" by the departments of Agriculture and Interior. After losing the budget battles in 1994 and 1995, the Tribes took a more aggressive approach, deciding to hold political rallies and run issue ads on the Fort Reno land issue.

## **THE TRIBES INCREASE THEIR POLITICAL ACTIVITIES**

The Tribes, disappointed that funding for the Fort Reno facility was restored by the Republican-controlled Congress, planned a protest rally to be held at the ARS gates. According to news reports, tribal member Archie Hoffman, “said the rally is to protest the proposed budget cuts in the Bureau of Indian Affairs, U.S. Sen. Don Nickles’ changing position on the proposed national veterans cemetery, and the government's unwillingness to return the Fort Reno land” to the Tribes.<sup>25</sup> Hoffman, according to the reports, stated that “The state's veterans need and deserve a national cemetery and the tribes deserve their land back.”<sup>26</sup> Senator Nickles, through an aide, responded to the proposed rally by saying, “I am disappointed the tribes are not willing to approve clear title to the 130 acres for the national cemetery without a lot of conditions.”<sup>27</sup>

In November 1995, the Tribes spent over \$100,000 to run two 60-second television advertisements on the Fort Reno issue.<sup>28</sup> The text of the two ads illustrates the harsh tenor of the Fort Reno dispute:

### Ad One - Text

They call it a research station but little research is done here and the Agriculture department wants it closed. Most of the buildings sit empty. So does most of the land except the part used by a handful of ranchers allowed to fatten their cattle here. All this costs taxpayers \$1.6 million a year. It's a prime example of wasteful federal spending that Frank Lucas and Don Nickles claim they're against. But Lucas and Nickles keep voting for it. Taxpayers keep paying for it. And somebody's cows keep getting fat.<sup>29</sup>

### Ad Two - Text

7,000-acres near El Reno sit mostly unused. There's a run down federal government research station that the Agriculture Department would like to close. There's a historic cavalry fort that few people visit. But there's an old Army graveyard that the Veterans Administration would like to make the center of a new National Cemetery.

The cemetery would serve and honor Oklahoma veterans. The old fort could be turned into a tourist attraction. The land could provide jobs in ranching and energy. But all this progress is being stopped by Senator Don Nickles and Congressman Frank Lucas.

The Cheyenne-Arapaho Tribes claim rightful title to this

land but they've offered to give enough up for the cemetery if the rest of it will be returned to the tribes. Veterans support the idea. So does a majority of the El Reno city council. But Nickles and Lucas keep saying no.

Tell Nickles and Lucas to stop playing politics and do what's right for Oklahoma.<sup>30</sup>

In late November or early December 1995, members of the Tribes' leadership met with former Oklahoma Attorney General Mike Turpen to seek his help in lobbying for the return of the Fort Reno lands.<sup>31</sup> Rick Grellner, the Tribes' attorney, suggested that the Tribes hire Turpen to lobby on their behalf in Washington, D.C.<sup>32</sup> Turpen told the Tribes he could not make any guarantees, but he agreed to help set up meetings on their behalf with federal agencies in Washington, D.C.<sup>33</sup> According to Tribal chairman Charles Surveyor, Turpen made "a lot of contacts" for the Tribes in Washington.<sup>34</sup>

In the spring of 1996, tribal representatives met with Agriculture Department officials Larry Ellsworth, Mary McNeel, Floyd Horn, Jim Snow, Michael Darrien and Richard Romniger for one hour to discuss the Tribes' claims.<sup>35</sup> Ironically, Horn was the director of the Fort Reno ARS for the USDA before he was transferred to Washington, D.C.<sup>36</sup> The meeting with Ellsworth and McNeel apparently went well but, according to Turpen, he and Grellner had a confrontation with Horn in the hallway after the meeting was finished. According to Turpen, Horn said, "Nickles will never let you have [the land]."<sup>37</sup>

The tribal representatives also met with Justice Department officials, including Craig Alexander (Tribal Affairs) and Kay Lin Free (Native American Resources) to discuss the Tribes' claims. The Tribes were advised to draft a letter to Bob Anderson in the Solicitor General's Office at the Department of Interior laying out their legal claim to the land and the argument that they had not been compensated by the U.S. government.<sup>38</sup>

In late April or early May 1996, Grellner sent a letter and a legal brief on the issues to Anderson.<sup>39</sup> Anderson assigned Brad Grenham to work with Grellner on this matter and they spoke approximately twenty times during the Summer of 1996 about the Tribes' legal claims.<sup>40</sup>

### **THE TRIBES' CONTRIBUTION TO THE DNC**

It appears that in early 1996 the Tribes also began to consider getting involved in the political process by making a contribution to the DNC. According to transcripts of a June 3, 1996 tribal meeting, the Tribes' contribution to the DNC was first considered by tribal leaders in February 1996 -- three months before they actually contacted the DNC. The transcript quotes Tyler Todd as saying, "back on February 12<sup>th</sup> [1996] was the first time the Business Committee discussed giving a donation to someone."<sup>41</sup> Hoffman, Todd, Tabor, Surveyor and Grellner discussed the possible contribution many times in February and March 1996 and during one of

these meetings, Hoffman said, “why don’t we make a \$100,000 donation” to the DNC.<sup>42</sup> Although there have been allegations that the Tribes were encouraged or even solicited to make this contribution by Turpen, both Grellner and Todd have stated that Turpen was not part of these discussions and did not participate in the decision-making process.<sup>43</sup> Moreover, Turpen himself stated that the contribution was entirely the Tribes’ idea.<sup>44</sup>

On April 30, 1996, the Tribes’ Business Committee formalized their decision to contribute \$100,000 to the DNC.<sup>45</sup> The Tribes’ decision was re-affirmed in a resolution passed by the leadership on July 9, 1996. The resolution read, in part:

A majority of the Business Committee of the Cheyenne and Arapaho Tribes on the previous occasions as far back as of April 30, 1996, had agreed that the Tribes should be involved in a positive manner in the political process and as a result to contribute \$100,000 to the Democratic National Committee for the exclusive purpose of voter outreach and voter education for Native American voters.<sup>46</sup>

The deliberative steps the Tribes took before finalizing their decision to contribute to the DNC indicates that they were not a politically naive group, but rather, a politically savvy organization which intended to bring attention to their cause by making the largest political contribution in Oklahoma. According to news reports, tribal leaders maintained that:

they knew exactly what they were doing, that they approached the Democrats about giving money, that the funds were in a savings account that hadn’t been earmarked for any other purposes, that they weren’t under any illusions it would automatically get the land for them and that they were just doing what many other groups do to get people here (Washington, D.C.) to listen. “It costs to get involved in the process,” said Archie Hoffman, secretary of the tribes’ business committee.

Contrary to allegations that the Tribes were pressured into contributing to the DNC by advisors or Democratic operatives, interviews with members of the Tribes revealed that they had very clear reasons of their own for wanting to contribute to the DNC. According to Surveyor, the Tribes contributed to the Democratic party because tribal members believed that Democrats supported issues important to Native Americans, while Republicans opposed them.<sup>47</sup> As an example, Surveyor cited a 1995 effort by the Republican-controlled Congress to cut funding for many Native American programs, an effort which was vetoed by President Clinton.<sup>48</sup>

Todd stated that the Tribes contributed to the DNC, in part, because Republican Members of Congress had opposed their efforts to regain the Fort Reno lands.<sup>49</sup> The Tribes also cited the need to counter the campaign donations that Republican Members of Congress received from individuals and organizations who supported the Fort Reno ARS as another reason that they decided to contribute to the DNC. The Daily Oklahoman reported on March 17, 1997:

Farmers and ranchers — whose political action committees have given generously to Nickles and other Oklahoma lawmakers — successfully lobbied to keep the Agricultural Research Service station at Fort Reno, despite Clinton Administration efforts to close it....Hoffman, the secretary of the Tribes’ business committee, said last week supporters of the research station ‘donate heavily’ to the campaigns of some Oklahoma lawmakers. Lucas, who received donations last year from a wide range of agriculture-related political action committees, said he does, ‘in a sense,’ get campaign contributions from people who support the research station, “whether they’re from El Reno or farmers and ranchers across the district.”<sup>50</sup>

Contrary to inaccurate press reports that the Tribes contribution came from a “welfare fund... normally used to help tribal members who can’t pay such things as heating-oil bills,” the evidence establishes that the Tribes do not have a “welfare” fund.<sup>51</sup> The source of the funds used by the Tribes for the DNC contribution was in fact accumulated monthly fees paid to the Tribes for their management of a bingo hall.<sup>52</sup> The Tribes are paid \$5,000 per month by the Southwest Casino and Hotel Corporation to manage the bingo games held at the Lucky Star Bingo Hall in Concho, Oklahoma.<sup>53</sup> The first \$5,000 payment was paid to the Tribes in July 1994.<sup>54</sup> The Tribes deposited the monthly management fees into certificates of deposit (“CDs”). By February 1997, they had received over \$140,000.<sup>55</sup> The contribution to the DNC was the first time this revenue source was used for any purpose by the Tribes.<sup>56</sup>

The Tribes’ attorney confirmed in an interview with Majority and Minority counsel that the Tribes did not have a welfare fund and that the bingo management money had not previously been used for anything by the Tribes.<sup>57</sup> Both Surveyor and Todd also confirmed in their interviews that the Tribes did not have a “welfare fund” and that the source of the money contributed to the DNC was bingo management fees that were deposited in CDs.<sup>58</sup>

There is no dispute that per capita income among tribal members is very low and that unemployment is very high. Nor is there any dispute that the money received by the Tribes from the bingo operations could have been used for other purposes. That, however, is a decision that belongs to the Tribes themselves -- and a decision apparently made by the Tribes themselves. Moreover, it appears that the decision was made after the Tribes had learned that they would be receiving more than \$1 million in early 1996 from the settlement of a lawsuit.<sup>59</sup>

In May 1996, Surveyor, Todd, and Grellner met in Turpen’s law office in Oklahoma City where they informed Turpen that the Tribes had decided to contribute \$100,000 to the DNC.<sup>60</sup> Turpen then called Jason McIntosh, a friend and staff person who worked at the DNC. Contrary to allegations that the DNC had solicited the Tribes, McIntosh testified that he learned for the first time of the Tribes’ decision to contribute money during this conference call.<sup>61</sup> During the course of the conversation, McIntosh asked if the Tribes could afford to make the contribution, and was informed by the Tribes’ leadership that they could.<sup>62</sup> He subsequently provided Turpen with instructions on how the Tribes could wire their contribution directly to the DNC.<sup>63</sup> McIntosh

testified that “[i]n no way whatsoever did I know anything about the tribe, their income levels or anything of that nature until well into ‘97” when he read the March 1997 Washington Post article that broke the story publicly.<sup>64</sup> McIntosh also testified that he did not recall any discussion about the Fort Reno land during the course of the May 1996 phone conversation with Turpen and the tribal leaders.<sup>65</sup>

### **THE WHITE HOUSE LUNCHEON**

On or about June 10, 1996, Turpen was invited to attend a small luncheon with the President at the White House.<sup>66</sup> According to McIntosh, Turpen was invited because he was an “active supporter.”<sup>67</sup> Turpen did not, however, make a political contribution in connection with the White House luncheon.<sup>68</sup> Terry McAuliffe explained in his deposition that “[a]t this time we were trying to do some outreach to people who had been active and wanted to be active.”<sup>69</sup> McIntosh testified in his deposition that it was indeed Turpen -- not tribal members -- who was originally invited to attend the luncheon.<sup>70</sup>

When McIntosh informed Turpen that he was invited to attend the White House luncheon, Turpen asked if two representatives from the Tribes could attend in his place. In his deposition, McIntosh explained:

Mr. Turpen basically just requested an accommodation for him; that they be allowed to attend; that they were active supporters or whatever and were going to be politically involved and he wanted to make that request [that tribal representatives attend the luncheon instead of him]....<sup>71</sup> He just wanted their name to be suggested instead of his. Instead of him going, they go.<sup>72</sup>

According to McIntosh, when Turpen requested that tribal leaders attend the lunch in his place, Turpen’s name was withdrawn from the guest list, and McIntosh then forwarded the names of the tribal representatives to the White House.<sup>73</sup> McIntosh was not aware that the tribal officials intended to talk to the President about the Fort Reno land issue when he sent their names to the White House in mid-June 1996.<sup>74</sup>

On June 12, 1996, Turpen called Grellner to inform him, for the first time, that two tribal representatives could attend a luncheon with the President at the White House on June 17, 1996.<sup>75</sup> The Tribes accepted the invitation immediately and decided to send Surveyor and Todd as their representatives to the White House luncheon.<sup>76</sup> The tribal leaders had not known that they would be invited to the White House for a luncheon with the President when they decided to contribute \$100,000 to the DNC in early 1996. Surveyor,<sup>77</sup> Grellner,<sup>78</sup> and Hoffman<sup>79</sup> all confirmed this in interviews with the Committee staff. Grellner also stated that there had been no discussion of a White House luncheon during the Tribes’ conversation with McIntosh.<sup>80</sup>

On the morning of June 17, 1996, Surveyor, Todd and Grellner met with McIntosh before

they were escorted by McAuliffe to the White House luncheon.<sup>81</sup> An assertion was made in the course of the Committee's investigation that McIntosh demanded a check from the Tribes during this meeting. Such a demand makes no sense, however, in light of McIntosh's previous arrangements with Turpen to have the money wired to the DNC. This assertion is also contradicted by Surveyor, who said in his interview that McIntosh did not ask for a check.<sup>82</sup> McIntosh himself testified in his deposition that, "I asked them did they have any difficulty wiring it [the contribution], because I knew since given wiring instructions, they were going to transmit it that way."<sup>83</sup> The tribal representatives told McIntosh that they would be sending the contribution to the DNC by wire transfer at a later date.<sup>84</sup>

The tribal representatives met with McIntosh for about five minutes before he introduced them to McAuliffe for the first time.<sup>85</sup> The Tribes' attorney told the Committee staff that McAuliffe did not appear to know anything about the Tribes' contribution or the Fort Reno land issue when they spoke with him.<sup>86</sup> The Tribes gave McAuliffe a large package of documents that included news clips, copies of letters, and other background information regarding the Fort Reno land.

After the brief meeting with McIntosh and McAuliffe, Surveyor and Todd traveled by taxi with McAuliffe and another staff person to the White House for the luncheon.<sup>87</sup> After being admitted to the White House, Todd and Surveyor were taken to the Green Room where they waited with a few other people for the President to arrive.<sup>88</sup> After approximately 30 minutes, the President entered the room with a photographer and chatted briefly with the guests about the history of the Green Room before escorting the group to the Blue Room for the luncheon.<sup>89</sup> There were no assigned seats at the table and Surveyor, who was the last person to sit down, took the last vacant seat next to the President.<sup>90</sup>

The President spoke briefly about world affairs, the weather, and then, according to Surveyor, "sat around and listened to what everybody had to say."<sup>91</sup> Each guest was given an opportunity to speak. When it was Todd's turn, he deferred to the Tribes' chairman and politely declined the President's invitation. Surveyor, who was the last to speak, focused on Native American issues, health care, and education.<sup>92</sup> He also gave the President a brief history of the Fort Reno land controversy.<sup>93</sup>

After listening to Surveyor, the President asked a staff person present in the room, "do we have anything on Fort Reno?"<sup>94</sup> The staff person pulled out the package of documents the Tribes had given to McAuliffe earlier in the day to show the President that they did have some information on the issue.<sup>95</sup> According to Surveyor, the President said "we'll see what we can do to help you," but made "no promises."<sup>96</sup> Todd did not think that the President would take any action, but hoped that his interest would help open some doors within the Administration.<sup>97</sup> Surveyor said that there was no discussion about contributions with the President or any of the other guests before, during, or after the luncheon.<sup>98</sup>

Surveyor and Todd were escorted out of the White House by McAuliffe. The press has reported misleading characterizations offered by unnamed “Senate aides” of a post-luncheon conversation between McAuliffe, Surveyor and Todd as apparent evidence of a quid pro quo arrangement involving the Tribes’ contribution for the return of the Fort Reno land. The Associated Press reported on October 13, 1997, that “Senate aides, speaking on condition of anonymity, said tribal representatives told investigators that Terence McAuliffe, Clinton’s chief campaign fundraiser, assured Surveyor as they left the luncheon, ‘When the president makes a promise, he keeps it.’ ”<sup>99</sup> There is no evidence before the Committee that substantiates this description of the conversation. Tribal attorney Barry Coburn explained that McAuliffe merely told Surveyor and Todd that if the President says he will do something, he will do it.<sup>100</sup> According to Coburn, Surveyor and Todd understood McAuliffe to mean that the Administration would look into the matter, not that their land would be returned.<sup>101</sup>

For his part, McAuliffe did not recall the post-luncheon conversation with Surveyor and Todd, but he did testify that he probably did say something positive.<sup>102</sup> He further stated that he had no further contact with the Tribes after the lunch. “Once we walked out of the White House, I never spoke to these people again,” he testified.<sup>103</sup> He also testified that he never spoke to anyone at the DNC, the White House, the Clinton campaign, the Interior Department, the Agriculture Department or anywhere else about the Tribes or the Fort Reno land.<sup>104</sup>

There was no evidence presented to the Committee of any quid pro quo arrangement involving the Tribes’ contribution in exchange for the return of the Fort Reno land. Indeed, in a press release issued on June 28, 1996 -- almost a year before the story first appeared on the front page of the Washington Post -- the Tribes made it clear that the President had made no promises to the Tribes.

The press release indicated that the tribal representatives had met with the President “to discuss, Native-American issues, the importance of the up-coming election in November [1996] and how we as Native Americans and specifically the Cheyenne and Arapaho Tribes can be pro-actively involved in the process to help re-elect President Clinton and elect Democrats to office.” The press release also stated:

When asked about the content of the meeting Surveyor responded, ‘We discussed a lot of policy issues such as the recent attack by the Republican Congress on the Indian Child Welfare Act, Welfare Reform, cuts to Native American programs and his positive support for funding for the Indian Health Service.

‘We discussed at great length the recent logjam over the National Cemetery that has been created by Senator Nickles and his willingness to pit the interests of Native Americans regarding Fort Reno against the community and voters support for the national Cemetery without seeking common ground.’

The question Surveyor fielded was in regards to anything specifically

promised by the Administration for the Tribes participation. In response Surveyor snapped, 'Absolutely nothing. We simply wish to support the cause and be involved in the process. I am always a little skeptical at the reporter who is so willing to attribute some sort of sinister motive to our legal, ethical and proactive involvement in the political process. Why don't they ask the executives of the local financial institutions what they get for supporting their Republican candidates. This is about leadership, citizenship and our votes that need to be counted. Nothing more, nothing less.' ”<sup>105</sup>

The evidence clearly shows that neither the President nor McAuliffe made an explicit or implied promise that the Tribes would obtain any benefit in exchange for their contribution to the DNC. The Tribes' contribution was not discussed with the President, and Surveyor and Todd confirmed that no promises were made by either the President or McAuliffe during or after the luncheon.

After the luncheon, McIntosh called Grellner approximately three times to follow up on the Tribes' contribution.<sup>106</sup> According to McIntosh, Grellner kept telling him that the money was on its way and he, in turn, “would follow up each time that indication was given.”<sup>107</sup> On June 26, 1996, the DNC received a wire transfer from the Tribes in the amount of \$87,671.74. Upon wiring the money to the DNC, Grellner told McIntosh, “we'll send more later.”<sup>108</sup> McIntosh, however, did not have any further contact with Grellner or the Tribes regarding additional contributions.

Minority Counsel: Now the tribes' donation was approximately \$87,000 to the DNC. Did you ever follow up to make sure that they contributed the original \$100,000 that they indicated that they would contribute?

McIntosh: No, once that was done and once I told Mike [Turpen] that, you know, hey, it's been received, that was it. That was the end of my involvement with Cheyenne-Arapaho Indians.<sup>109</sup>

Allegations have been made that the DNC and the Administration somehow pressured or took advantage of the Tribes. One news report stated that a Senator:

said in a prepared statement that it was unsettling to learn that prominent figures in the administration's campaign 'may have been engaged in what amounts to a shakedown. And secondly, I am concerned that certain tribal leaders may have used \$107,000 from a fund intended for needy tribal families as a payoff for political favors. That's unconscionable.'<sup>110</sup>

Surveyor and Todd, however, said that they did not believe the Tribes were “shaken down” by the DNC.<sup>111</sup> Todd said, “we made a decision and went after it. We're not going to stop being politically involved.”<sup>112</sup> “We didn't ask for anything, and we weren't promised anything,” Todd

said, adding that he never felt pressured to give money at any time.<sup>113</sup> Todd felt that “the Cheyenne and Arapaho Tribes [had] been more hurt by Senator Nickles’ actions than by the DNC.”<sup>114</sup>

Minutes from tribal meetings support the tribal representatives’ statements that the contribution was not the result of any pressure from the DNC. On June 20, 1996, the Tribes held a business committee meeting to discuss Surveyor and Todd’s trip to Washington to meet with the President. During the course of this meeting, the Tribes discussed their past political involvement and their goals for the future. One unidentified speaker discussed the importance of being involved in the political process:

We live in a world where things beyond our control affect us. Unless we are willing to engage and be involved in the process, however, imperfect as it has been given to us, then we can’t expect to be at the table when those issues are determined, and that’s how it has been for the last several years, and that is how it continues to be, unless we decide that we are going to be involved.<sup>115</sup>

Another speaker agreed, “we have to get involved in this political process if we want to get anything done.”<sup>116</sup>

One member of the Tribes asked Surveyor what kind of commitment he had received from the President. Surveyor responded, “Well, in the first place, you don’t go in and make deals with the President. We go in and talk to him.”<sup>117</sup>

Members of the Tribes discussed the impact that the contribution would have in the future. One member stated, “I don’t think anyone disputes that a contribution this large would help the Tribes politically.”<sup>118</sup> Others cited the Cherokees who had been politically active for a long time and were “doing good” as an example.<sup>119</sup> This statement was followed by the observation of one attendee who said, “I don’t want to dispute that making a donation has an impact, but I think it is the years of political influence that they’ve had with Congress that has more to do with what the Cherokees are receiving than any one donation that was made recently.”<sup>120</sup>

The June 20, 1996 tribal meeting shows that the Tribes understood the importance of their political activity and were not political neophytes. They had a great deal of experience interacting with the Oklahoma Congressional delegation and federal agencies over the years. The television ads and voter registration drives in 1995 and their political contributions in 1996 illustrate their active political involvement.

The fact that the Tribes understood what they were doing is reinforced by another business committee meeting held on July 9, 1996. During that meeting the members discussed the Tribes’ ability to afford the large contribution to the DNC, the similarity between the Tribes

and corporate contributors, and another resolution re-affirming their commitment to contribute to the DNC.

One unidentified speaker re-assured the members that they could afford to make a large contribution to the DNC. He reminded them that the Tribes knew in January 1996 that they would receive close to \$2 million from the “Woods settlement.”<sup>121</sup> Another speaker discussed how the Tribes contribution was similar to those made by corporations and the perceived impact such contributions have on the political process. He said:

You know, you talk about businesses and corporations. You wonder why these large corporations you see in the papers [inaudible]. I’ll tell you what, dinero talks. Any time you make large contributions when the state governor sees that all these small tribes are better off opposing this Bill 2208 — because this contribution to the Democratic Party is going to make him sit back and say, “Hey, now these guys are serious. We need to reconsider some of these things.” But that is the key. Whenever you want recognition and you want to get into any organization, when you pay your dues, you become part of that. You have a voice.<sup>122</sup>

Hoffman stated during the meeting that the Tribes had committed to making a \$100,000 contribution to the DNC previously but that they wanted to re-authorize the commitment with another resolution. Another member of the Tribes expressed a concern that they could not afford to make the contribution, but Hoffman reassured them, again, that the “Woods settlement” enabled the Tribes to make the contribution.<sup>123</sup> The July 1996 resolution passed by the Tribes stated, in part:

Now, therefore be it resolved that, the Tribes have previously located funds that have been received from Tribal businesses for the accomplishment of this goal and that a majority of the 30th Business Committee hereby re-authorizes such expenditure and hereby formalizes such support for the donation.<sup>124</sup>

### **THE PRESIDENT’S BIRTHDAY FUNDRAISER**

The DNC used President Clinton’s birthday as a centerpiece for raising money at satellite events around the country in August 1996. The Oklahoma satellite birthday event was underwritten by the Tribes.

In the last week of July 1996, the Tribes were contacted by Turpen, who asked if they were interested in sponsoring a satellite birthday fundraiser in Oklahoma for the President.<sup>125</sup> Grellner told Turpen that the Tribes would contribute \$20,000 to be a sponsor of the birthday event.<sup>126</sup> The business committee voted to use \$15,000 more from the bingo management fees

and borrow \$5,000 from another corporate account.<sup>127</sup>

The invitations to the satellite birthday fundraiser state that the event was “underwritten by the Cheyenne and Arapaho Tribes of Oklahoma.”<sup>128</sup> Approximately 600 people attended the satellite fundraiser at an Oklahoma City hotel. As a thank you for their contribution, the Tribes were given floor passes at the Democratic National Convention in Chicago, Surveyor was invited to a reception for Vice President Gore, and Todd attended a dinner with the Vice President.<sup>129</sup>

When the Tribes decided to contribute \$20,000 to pay for the satellite fundraiser they did not know that they would be invited to a dinner with the Vice President.<sup>130</sup> That dinner was held in July 1996 in Washington, D.C.<sup>131</sup> Approximately 80 people attended the dinner. Todd represented the Tribes and was seated at the Vice President’s table.<sup>132</sup> Todd talked about health care and Indian sovereignty issues during the dinner. During the dinner, the Vice President reminisced about a family vacation he had taken to Oklahoma when he was a small boy.<sup>133</sup> He also introduced Todd to Mitchell Berger, a Democratic activist who was also seated at their table. Todd did not discuss the Fort Reno land issue with either the Vice President or Berger.<sup>134</sup>

In early August 1996, Surveyor attended an outdoor reception with three busloads of people held at the Vice President’s residence in Washington.<sup>135</sup> Surveyor shook hands with the Vice President in a receiving line but had no conversation with him about the Fort Reno land issue, or any other matters.<sup>136</sup>

In late August 1996, Surveyor, Todd and Grellner attended the Democratic National Convention held in Chicago.<sup>137</sup> In January 1997, Berger contacted Todd to request a contribution from the Tribes to help pay for the Inauguration ceremonies.<sup>138</sup> Todd informed him that he could not commit to a contribution, but that the Tribes would have more money later.<sup>139</sup> Todd did not feel pressured to contribute to the DNC and told the Committee staff in an interview that, “If someone gave me \$100,000, I’d call them again, too.”<sup>140</sup>

### **THE TRIBES CONTINUE THEIR LOBBYING EFFORTS**

In addition to political contributions, the Tribes continued to pursue their claim to the Fort Reno lands with the appropriate federal agencies. In September 1996, Grellner met with Anderson and Grenham at the Department of Interior offices in Washington, D.C. to discuss the Tribes’ claim that they had not been compensated for the Fort Reno lands taken by the federal government.<sup>141</sup> The Interior Department officials informed Grellner that there was a statute of limitations problem barring any action, but that the Tribes did have a meritorious claim.<sup>142</sup> Anderson and Grenham advised Grellner to address the statute of limitations problem in a legal brief and to present equitable arguments for them to consider also. Grellner stated in his interview that he “never” talked about the Tribes’ contribution to the DNC with Anderson and Grenham and that he never felt that he got “special treatment” from them.<sup>143</sup> Surveyor confirmed

that the federal agencies he met with did not know about the Tribes' contribution either.<sup>144</sup>

In October 1996, Grellner met with Anderson and Grenham of the Interior Department, McNeel from the Agriculture Department, and Free of the Justice Department to further discuss the Tribes' legal claim.<sup>145</sup> Anderson reiterated the statute of limitations problem precluding any legal action, but said that the Tribes did have a meritorious equitable claim that they had not been compensated by the U.S. government for the Fort Reno land.<sup>146</sup> Anderson agreed to prepare an Interior Department legal opinion outlining their position for the Agriculture Department's consideration.

In November 1996, Bart Miller replaced Grenham at the Interior Department and Grellner met with Miller to discuss the Tribes' claim.<sup>147</sup> Miller was assigned the task of drafting the legal opinion and he also expressed to Grellner his belief that the Tribes had not been compensated for the Fort Reno land.<sup>148</sup> On February 21, 1997, Surveyor and Grellner met with Ada Deer, the Assistant Secretary for Indian Affairs, and Bart Miller to discuss the Tribes' legal claim that they had not been compensated for the Fort Reno land.<sup>149</sup> Miller informed Grellner and Surveyor that the Interior Department would have the long anticipated legal opinion regarding this matter finished within two weeks.<sup>150</sup> As with all other meetings with Administration officials, the Tribes' did not discuss their contribution to the DNC with Deer.<sup>151</sup>

#### **THE TRIBES' DEALINGS WITH MIKE COPPERTHITE, NATHAN LANDOW, AND PETER KNIGHT**

In October 1996, Mike Copperthite, a campaign manager for a congressional candidate in Arkansas, contacted Grellner and solicited a contribution from the Tribes.<sup>152</sup> Grellner conveyed Copperthite's request to Todd, who told him that the Tribes' money was too tight to make a contribution to Copperthite's candidate.<sup>153</sup> Grellner, however, contacted Copperthite and told him that the Tribes could "come up with \$5,000 to \$10,000."<sup>154</sup> The Tribes did not themselves contribute to Copperthite's candidate, but, according to FEC records, on November 13, 1996, Grellner personally contributed \$10,000 to the Arkansas Democratic Party pursuant to Copperthite's request.<sup>155</sup> Apparently in exchange for the contribution, Copperthite told Grellner that he would help the Tribes in their efforts to regain the Fort Reno land after the campaign.<sup>156</sup>

Copperthite developed a close relationship with Grellner, and the Tribes used him to set up meetings with people in Washington after the election. One of the first meetings he arranged was with real estate developer Nathan Landow. Landow testified that he was first contacted by Copperthite in the early part of October 1996.<sup>157</sup> During that conversation, Copperthite told Landow that he was representing the Tribes and that he was interested in Landow's help. Landow testified:

[Copperthite] told me that he had a client representing the Cheyenne-Arapaho

Indian Tribes and that there was an interesting real estate development that he thought I would be interested in. He suggested to them that I was a person that they should talk to and asked me if I would meet with them.<sup>158</sup>

After this initial conversation in October, approximately a month and a half or two months passed before Copperthite called again. After the November elections, Copperthite became “pretty persistent” to set up a meeting between the Tribes and Landow.<sup>159</sup> A phone message from Copperthite to Landow dated November 15, 1996 states, “some people are coming in from out of town next week that he [Copperthite] wants you [Landow] to meet.”<sup>160</sup> A meeting eventually was held on November 24, 1996, according to information included on a phone message sheet from Copperthite to Landow.<sup>161</sup>

That meeting was attended by Surveyor, Grellner, Hoffman, Copperthite and Landow.<sup>162</sup> Copperthite testified that he “introduced Nate Landow to the tribe as a very dear friend of the Vice President’s.”<sup>163</sup> Landow testified that he understood that the Tribe wanted to meet with him to discuss development of the Fort Reno property.<sup>164</sup> Landow learned, however, that the Tribes did not own the land at that time and that they were taking steps to regain it on a “parallel but different track.”<sup>165</sup>

During the meeting, the Tribes asked for help and suggestions regarding their effort to regain the Fort Reno land. Landow testified that he “made it very clear that not being a lobbyist, never having been involved with any business or other issue in dealing with the Federal Government, that is something that I certainly wouldn’t undertake.”<sup>166</sup> He did suggest a few Washington lobbying firms that might help, including “Tommy Boggs’s firm, J.D. Williams, Peter Knight’s firm as ones that I felt had the experience and the credibility and might be able to help them.”<sup>167</sup>

The tribal representatives apparently knew from Copperthite that Landow was close to Peter Knight and they asked Landow to help set up a meeting with Knight’s firm, Wunder, Diefenderfer, Cannon & Thelen (“Wunder Diefenderfer”).<sup>168</sup> Landow testified:

they decided amongst themselves that that was one they would like to talk to and asked if I would help set that up, and I did. I made a call, and I agreed to introduce them there. They said that they had other appointments; that they might be talking to other people.<sup>169</sup>

As the press has reported, “everyone agrees that Landow made no guarantees about doing anything to get the Fort Reno land to the tribe. He offered to help develop the land if the tribe got it.”<sup>170</sup> There was no discussion during the meeting with Landow about the Tribes’ contribution to the DNC.<sup>171</sup>

After the meeting, Landow contacted Wunder Diefenderfer to set up a meeting with the

Tribes the next day. Landow called Grellner at his hotel that evening and told him that Jody Trapasso at Wunder Diefenderfer was interested in meeting with the Tribes to discuss how his firm could help them regain the Fort Reno land.<sup>172</sup> Landow told him that the firm was very good and that they would not take the case if they could not help the Tribes.<sup>173</sup> Surveyor and Grellner met with Landow and Trapasso at the Wunder Diefenderfer office in Washington, D.C.<sup>174</sup>

The tribal representatives were told at the meeting that Knight was not willing to commit to personally taking their case at that time, but the firm would look into it.<sup>175</sup> Grellner was subsequently told that if Wunder Diefenderfer did take on the case, their fee would include a \$100,000 retainer and \$10,000 per month.<sup>176</sup> Subsequent events suggest that this fee was too much for the Tribes, but that Copperthite apparently continued to try to interest the parties in doing business with each other.

From his first meeting with the Tribes in November 1996, through the beginning of February 1997, Landow focused on the need for a written agreement with the Tribes before he would begin to perform work for them. Landow stated:

At every meeting, what I tried to get across was that there had to come a time when any suggestions that they had or interest that they had concerning getting me involved would have to be reduced to writing, and my track was that I was always moving in that direction, to come to an agreement in writing so that there was clear understanding between both parties as to show their responsibilities would be, and I think that the same thing was happening with Wunder Diefenderfer.<sup>177</sup>

A meeting was scheduled for February 5, 1997, at the Wunder Diefenderfer offices with the principals from the Tribes, Wunder Diefenderfer, and Landow to finalize written agreements with the Tribes.<sup>178</sup> Ken Levine, Jody Trapasso, and Peter Knight attended from Wunder Diefenderfer. The Tribes were represented by Copperthite and Grellner.<sup>179</sup> Landow was upset to learn that Surveyor, the Tribal chairman, would not be at the meeting.<sup>180</sup> Landow testified:

I said, "I thought I made it extremely clear that at this meeting, it was critical that the chairman [Surveyor] be there to finish the negotiations and discuss the final terms of my agreement?" And as late as the day before, [Copperthite] had suggested to me the chairman would be there.<sup>181</sup>

After learning that Surveyor would not be at the meeting, Landow told Knight, Levine and Trapasso that it made no sense for them to stay.<sup>182</sup> According to Grellner, after he learned that Surveyor was not going to attend the meeting, Trapasso said he thought it was all a "hoax" and that the Tribes were not interested in hiring the firm.<sup>183</sup> Landow apparently had the same reaction.<sup>184</sup>

After Knight, Trapasso and Levine left the room, Grellner, Copperthite, and Landow again discussed the details of a written agreement. One of the details that apparently concerned Grellner was the incorporation of the Bureau of Indian Affairs' requirement that all contracts with tribes be approved by the Bureau. Copperthite testified that Grellner had proposed a way for Landow to circumvent the Bureau of Indian Affairs' requirement.

Copperthite: Rick was trying to explain that because of the Bureau of Indian Affairs' rules and regulations that it would be much easier for Wunder Diefenderfer to be retained under Rick's contract with the Bureau of Indian Affairs than it would be to put together a separate contract, then negotiate it with the tribe and then have the BIA put their rubber stamp on it.

Counsel: The Bureau of Indian Affairs has to approve contracts that tribes enter into?

Copperthite: All tribes. So — and I don't know that to be true. I just know based on that conversation in that room that day. It made sense to me. So Rick tried to show him in his contract. Landow looked at Rick's contract and said this is a piece of garbage, we can't do this.<sup>185</sup>

During this meeting, Grellner, Copperthite and Landow also discussed fees.<sup>186</sup> Grellner agreed to draft a contract and incorporate the terms proposed by Landow.<sup>187</sup> Landow confirmed that he discussed the terms of the agreement with Grellner and Copperthite during their meeting and that he spoke to Surveyor later in the day to discuss the proposed agreement with him.<sup>188</sup> Landow testified:

Up until that time, I had done nothing, not a phone call, not a visit, nothing but stay on the same track, "Let's negotiate. Let me hear where you're coming from. Let me hear the terms that you would find acceptable to have me involved and I will tell you mine and the end result may be you don't want me, you don't need me, not for what I'm asking for, but this is what I think is a reasonable offer."<sup>189</sup>

Landow testified that during this conversation "[Surveyor] said he would prepare an agreement."<sup>190</sup> Landow denied that he negotiated Wunder Diefenderfer's fees, but he said he was aware of the amount they were seeking.<sup>191</sup>

After the February 5, 1997 meeting with Landow, Grellner prepared an agreement that included the terms they discussed, and on February 14, 1997 he faxed it to Landow for his review and consideration. The Tribes, however, apparently never intended the agreement with Landow or Wunder Diefenderfer to be enforceable. Coburn, another attorney for the Tribes, confirmed to the Committee staff that Grellner purposefully drafted the proposed agreement so that it would not be a valid or enforceable contract.<sup>192</sup> Surveyor, according to Coburn, had said he would never sign the agreement even though it was drafted by Grellner and faxed on behalf of the Tribes to Landow.<sup>193</sup> In his interview, Surveyor confirmed that there was "no way we would

agree to that contract.”<sup>194</sup>

When Landow received the proposed agreement he contacted Surveyor to discuss the problems with the document drafted by Grellner.<sup>195</sup> Landow stated:

What I told him was the agreement was unacceptable in its form and its terms... The main objection as to the form was the fact that he lumped together the consultants, Landow, and the terms of the agreement with Wunder, Diefenderfer, which was totally unacceptable...<sup>196</sup>

Landow was also concerned that the Tribes’ proposed agreement did not satisfy the Bureau of Indian Affairs requirements. According to Landow:

There was a major concern, additional major concern in this Consulting Services Agreement that Ken Levine raised and that was pertaining to the fact that it didn’t conform, in his opinion, to the requirements of the Bureau of Indian Affairs... A consulting agreement or when they hire legal counsel, it’s got to be approved by the Bureau of Indian Affairs.<sup>197</sup>

Landow met with Dan Press, an attorney familiar with the Bureau of Indian Affairs requirements, to discuss the proposed agreement with the Tribes. He testified that:

I met with him so that I could outline to him the terms of what I wanted this agreement to say and we could begin to negotiate, and that he was to build in all of the requirements of the Bureau of Indian Affairs so that if they agreed to it, we were pretty well assured that the Bureau of Indian Affairs would agree to it as well....<sup>198</sup>

In order for it ever to become hard and firm, it would have to be approved by them and that was something that we did. The Indians never, as you can see from their agreement, never addressed it, which leads me to believe maybe they never thought it would be placed in a position to be effective.”<sup>199</sup>

The documentary evidence, deposition testimony, and witness interviews suggest that tribal representatives, including Grellner and Copperthite, misled Landow and Wunder Diefenderfer throughout the negotiations. The tribal representatives were informed very early in the negotiation process as to the amount of money that Landow and Wunder Diefenderfer would request for their services, and apparently objected to the fees as too high; however, they never made that clear to either Landow or Wunder Diefenderfer.

In a final attempt to obtain a binding agreement with the Tribes, Landow’s attorney redrafted a proposed contract, had Landow sign it, and sent it to the Tribes for their

consideration on March 4, 1997. Landow explained that the Tribes were persistent in their efforts to get him to act and he was persistent in his efforts to formalize their agreement. Landow testified:

They were very persistent — when I say they, Copperthite calling — very persistent on proceeding, trying to get me to do something. My persistence was in trying to get them to reduce any understanding to writing.<sup>200</sup>

Landow explained in his March 4, 1997 cover letter to Surveyor that he had to separate Grellner's proposal into two different contracts and include the Bureau of Indian Affairs requirement that they approve the contract. The Tribes did not sign Landow's proposed contract, however, and they never entered into an agreement with him to develop the Fort Reno land.

Copperthite later alleged that Landow had said that the Tribes would never get the Fort Reno land back if they did not finalize the deal with Landow and Wunder Diefenderfer.<sup>201</sup> Landow denied this allegation under oath.

Minority Counsel: Did you indicate to them [Copperthite and Grellner] in any way that if they [the Tribes] didn't do a deal with you, they'd never get their land back?

Landow: Absolutely not.<sup>202</sup>

Copperthite's credibility in making such allegations must be evaluated in light of documentary evidence that, without informing the Tribes, Copperthite had proposed a private deal with Landow to share any "commissions, payments, revenue, or compensation from the Tribes."<sup>203</sup>

On February 2, 1997, Copperthite had written a memorandum to Landow in which he stated:

I would like to split with you equally any commissions, payments, revenue, or compensation from the Tribes, and I could go to work full time representing the Tribes Land development. I would also like to be the person who is the go-between the Tribes and the DNC or any democrat seeking contributions.

I would like our agreement be between you and I for now. I have gained the Tribes trust by not accepting any remuneration (to date) and by being honest and effective.<sup>204</sup>

Copperthite had suggested that Landow have the term of his agreement extend for 25 years and that it be ratified by a tribal resolution "so that this deal is good no [matter] who is the Chairman of the Tribes."<sup>205</sup> Landow testified that he rejected Copperthite's proposal to enter into a private agreement.<sup>206</sup> Landow testified that he already had been concerned with

Copperthite's integrity, and that the memorandum had raised even more questions. With regard to Copperthite's memorandum, Landow testified:

...[I]t's pretty obvious that Mr. Copperthite had a pretty deep and distinct self-serving interest in this project, and I think this also backs up my concerns of dealing with people that were of questionable character and integrity and more or less loose cannons...<sup>207</sup>

With regard to Knight's role, the evidence indicates that his involvement with the Tribes was very limited. He attended one meeting with tribal representatives on February 5, 1997 in the Wunder Diefenderfer offices. Knight, Levine and Trapasso, of Wunder Diefenderfer, were present at that meeting for only a short period of time. Knight testified that he attended this meeting because Landow asked him if he would stop in and say hello to Surveyor.<sup>208</sup> Knight was at the meeting roughly 4 minutes, when it was learned that Surveyor would not be attending. When Landow said it wasn't worth their time, Knight left.<sup>209</sup>

Knight also testified that he had no other conversations with Grellner<sup>210</sup> and one other conversation with Copperthite on a different subject matter.<sup>211</sup> Knight never spoke to Turpen<sup>212</sup> and he never talked to officials at the DNC about the Tribes.<sup>213</sup>

In December 1996 -- about two or three weeks after his original conversation with Landow regarding the Tribes -- Knight spoke with Trapasso in his firm and came to the conclusion that he was too busy and that he did not have the expertise necessary to work on the issue, but that the Wunder Diefenderfer firm could handle it.<sup>214</sup> Knight stated:

After I made a decision that I was not going to be involved in the representation of the Indians - of the Tribe - the question at that time was, is there anyone else in my firm that would be interested in pursuing that representation, or is this a matter that I should attempt to refer to someone outside. And as with other clients or prospective clients that have come in and asked for representation, I try to make it a habit to try to put them in hands that I think will be capable.

In this case, Mr. Trapasso and I indicated that perhaps we should ask someone in the firm if they would like to be part of this representation, and in fact we did. We had a short conversation with Mr. Levine. He indicated that he was interested in pursuing that, and from that point forward, I don't believe I had — and I don't believe that Mr. Trapasso had any further dealings with this issue.<sup>215</sup>

Kenneth Levine did in fact prepare and sign a proposed contract describing the terms under which the firm would assist the Tribes in their effort to recover the Fort Reno land.<sup>216</sup> The Tribes did not sign Levine's proposed contract, however, and they never entered into an agreement with Wunder Diefenderfer to assist in their effort to recover the Fort Reno land.

## **THE TRIBES' DEALINGS WITH CODY SHEARER AND TERRY LENZNER**

On March 10, 1997, the Washington Post published a lengthy article regarding the Tribes, Fort Reno, the Tribes' DNC contribution and dealings with Wunder Diefenderfer. It alleged that the Tribes were led to believe that, in return for a contribution, the Fort Reno lands would be returned to them. It also alleged that they were being pressured into consulting agreements with Landow and Wunder Diefenderfer. On March 12, 1997, Al Cilella, a Chicago oil man, contacted Tyler Todd of the Cheyenne-Arapaho Tribe (who was an old acquaintance of Cilella), and asked if he could help.<sup>217</sup>

Two months later, in late May or early June 1997, Cilella contacted Cody Shearer<sup>218</sup> and asked if he could introduce the Tribes to Shearer.<sup>219</sup> A week or ten days later, Cilella called back to invite Shearer to a lunch meeting with the Tribes.<sup>220</sup> The evidence is unclear what, if anything, Cilella thought Shearer could do for the tribes.

The luncheon in Washington, D.C. was attended by approximately 14 people<sup>221</sup> including Surveyor, Grellner, Cilella, Hoffman, Copperthite, Bob Musgrove, Shearer, and Susan Arjoe, a lobbyist on Native American issues.<sup>222</sup> Shearer testified that he spent the whole time at the lunch talking with Cilella, not the tribal representatives.<sup>223</sup> The lunch meeting was unfocused and disorganized, so Cilella asked Shearer if he could bring the Tribes' members to Shearer's house the next day. Shearer agreed.<sup>224</sup>

The day after the luncheon meeting, approximately 12 people arrived at Shearer's house for a meeting. During this meeting, the tribal representatives explained the Fort Reno issue. According to Shearer, he was told that Senator Nickles "has supporters that are interested in some mineral rights to our lands" and together, they were blocking the Tribes' efforts to regain the Fort Reno lands.<sup>225</sup> Shearer did not believe he could be of assistance to the Tribes in this matter; he suggested that the Tribes meet with Terry Lenzner of the Investigative Group International ("IGI").

Shearer contacted Lenzner's office and set up a meeting for the next day.<sup>226</sup> Lenzner confirmed during his appearance in public hearings before the Committee that "I received a call from Mr. Shearer asking if we would be interested in meeting with a group of Indians who had an interesting problem. It was so complex that he could not describe it to me telephonically."<sup>227</sup> Lenzner explained to the Committee that he gets "calls all the time with people, would you meet with this group, they have a problem, they think they need a factual investigation."<sup>228</sup>

Surveyor, Hoffman, Grellner, Shearer, and Arjoe met with Lenzner and his partner Steven Green at IGI.<sup>229</sup> Lenzner told the Committee that the meeting lasted approximately an hour to an hour and a half.<sup>230</sup> The Tribes' representatives explained the history of the Fort Reno

land battle.<sup>231</sup> Lenzner stated:

And then at some point, they raised the focus of the inquiry they wanted me to pursue, and as we do with any client, I said I would think about the problem that they posed, and we would give them, as is standard operating procedure, a memo, what we call in our office a proposed investigative to-do list, which, Senator Specter, is basically a list of investigative issues, a menu of investigative issues that the clients can review and choose to pursue or not to pursue, based on their judgment of how effective they might be in achieving the goal they seek, and we'd give them a guesstimated budget to cover those investigative issues.<sup>232</sup>

The cost of such an investigation was discussed and Surveyor believed it was too much and that it was unlikely that the Tribes would pursue this course of action.<sup>233</sup> However, the Tribes did ask Lenzner to put together a proposal and forward it to Grellner for the Tribes' consideration.<sup>234</sup>

IGI prepared a proposal for the Tribes' consideration and sent a copy to them. When they received Lenzner's investigation proposal, Surveyor, Grellner and Hoffman agreed that it was too broad and that they would not pursue this course of action.<sup>235</sup> Grellner nevertheless forwarded a copy of Lenzner's proposal to Copperthite, who then contacted Newsweek magazine, according to Grellner.<sup>236</sup> Lenzner testified that after the proposal was sent to the Tribes, "we never heard another word from this group" or about their story until an article describing Lenzner's proposal to the Tribes appeared in the August 1, 1997 issue of Newsweek magazine.<sup>237</sup>

### **THE TRIBES' CONTRIBUTION IS RETURNED**

In March 1997, after publication of the Washington Post article, Governor Roy Roemer, Chairman of the DNC, contacted Surveyor to discuss the return of the Tribes' contribution. Surveyor told Roemer that the Tribes did not want the money back.<sup>238</sup> According to Surveyor, they had made the contribution in good faith because they supported the party and the President.<sup>239</sup> One week later, the DNC contacted Surveyor again and told him that they wanted to return the Tribes' contribution. Surveyor finally agreed that if the DNC returned the money, the Tribes would not refuse it, but he wanted to be clear that he was not asking for it back.<sup>240</sup>

In an interview with Committee staff, Surveyor stated that he did not believe the Tribes were hurt by the DNC, and that the Tribes might contribute to the party in the future.<sup>241</sup> Surveyor explained that the Tribes had received \$1.6 million from a lawsuit in 1996 and he showed a copy of a \$5 million check the Tribes had received on May 28, 1997 as payment for another legal victory in which the Tribes won the right to tax non-Native American business activity on tribal lands.<sup>242</sup> Todd explained that the Tribes had contributed more money to local,

state and congressional candidates than they had to the DNC in 1996. He also said that the Tribes intended to continue to be politically active.

### CONCLUSION

There was no evidence presented to the Committee to support the allegation that the DNC or the Administration entered into, or ever contemplated, a quid pro quo arrangement to return the Fort Reno land to the Tribes in exchange for a contribution to the DNC. Surveyor and Todd, who attended the White House luncheon with the President, each stated that the President made no promises whatsoever to return the Fort Reno land to the Tribes. Coburn, the Tribes' attorney, confirmed in his meeting with the Committee staff that there was no promise made by the DNC or the Administration to return the Fort Reno land to the Tribes. The June 1996 press release issued by the Tribes more than a year before the investigation of this matter quoted Surveyor as denying that any promises were made by the President. Newspaper reports consistently quoted tribal representatives who stated unequivocally that there was no quid pro quo arrangement or a Presidential promise.

There was similarly no evidence presented to the Committee to support the allegation that the Tribes were pressured into contributing to the DNC. The Tribes made the decision to contribute on their own without being solicited by the DNC. That decision was motivated by a desire to become involved in the political process. The Tribes' subsequent reluctance to accept the DNC's return of their contribution only serves to underscore the Tribe's own belief that they had been neither pressured nor taken advantage of by the DNC or the Administration.

The money used for the contribution was not taken from a tribal welfare fund, and the amount contributed was carefully considered and decided upon in light of expected legal settlements that ultimately provided the Tribes with more than \$6 million.

While some tribal representatives may not have been satisfied with their dealings with Copperthite, Landow, Knight, Shearer, or Lenzner, there was no evidence presented to the Committee that any of those individuals in any way were acting on behalf of, at the behest of, or even with the knowledge of the DNC or the Administration.

1. Daily Oklahoman, 10/30/83.
2. 40 U.S.C. Sec. 483(a)(2)(1982).
3. Public Law No. 93-599, amending the Federal Property and Administrative Services Act, January 21, 1975.
4. Letter from Assistant Secretary for Indian Affairs, Eddie F. Brown to U.S. Senator, Daniel K. Inouye, 9/7/90.
5. Jason McIntosh deposition, 10/29/97, Exhibit 7: Letter from Katharine R. Boyce to Jeffrey T. Vail, United States Department of Agriculture, Office of the General Counsel, 10/15/93.
6. Jason McIntosh deposition, 10/29/97, Exhibit 7: Letter from Katharine R. Boyce to Jeffrey T. Vail, United States Department of Agriculture, Office of the General Counsel, 10/15/93.
7. Jason McIntosh deposition, 10/29/97, Exhibit 8: Letter from George B. Farris, Acting Director, Office of Trust Responsibilities, Bureau of Indian Affairs to Katharine R. Boyce, 11/19/93.
8. Jason McIntosh deposition, 10/29/97, Exhibit 11: Jean M. Rawson, Specialist in Agricultural Policy, Environment and Natural Resources Division, Congressional Research Service memorandum, "Grazinglands Research Facility at El Reno, Oklahoma, 7/7/94.
9. Jason McIntosh deposition, 10/29/97, Exhibit 9: Letter from Congressman Frank Lucas to Congressman Joe Skeen, Chairman, Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, 2/7/94.
10. Staff interview with Richard Grellner, 8/21/97.
11. Staff interview with Richard Grellner, 8/21/97.
12. Staff interview with Archie Hoffman, 8/21/97.
13. New York Times, 8/12/97.
14. Philadelphia Inquirer, 3/10/97.

15. Philadelphia Inquirer, 3/10/97.
16. Jason McIntosh deposition, 10/29/97, Exhibit 13: Letter co-signed by U.S. Senator Don Nickles, U.S. Senator David Boren, and U.S. Representative Frank D. Lucas to U.S. Representative Joe Skeen, 7/25/94.
17. Jason McIntosh deposition, 10/29/97, Exhibit 15: El Reno Tribune, 9/21/94.
18. Jason McIntosh deposition, 10/29/97, Exhibit 16: Letter from U.S. Senator Don Nickles to unidentified person at the Peoples National Bank in El Reno, Oklahoma, 10/11/94.
19. Jason McIntosh deposition, 10/29/97, Exhibit 17: Elwood Patawa, Director of Native American Programs, U.S. Department of Agriculture, Informational Memorandum for Deputy Secretary regarding 11/8/94 meeting with Cheyenne and Arapaho Tribes of Oklahoma delegation, 11/8/94.
20. Jason McIntosh deposition, 10/29/97, Exhibit 17: Elwood Patawa, Director of Native American Programs, U.S. Department of Agriculture, Informational Memorandum for Deputy Secretary regarding 11/8/94 meeting with Cheyenne and Arapaho Tribes of Oklahoma delegation, 11/8/94.
21. Jason McIntosh deposition, 10/29/97, Exhibit 20: El Reno Tribune, 9/13/95.
22. Jason McIntosh deposition, 10/29/97, Exhibit 20: El Reno Tribune, 9/13/95.
23. Jason McIntosh deposition, 10/29/97, Exhibit 20: El Reno Tribune, 9/13/95.
24. Jason McIntosh deposition, 10/29/97, Exhibit 26: News Release, Cheyenne and Arapaho Tribes of Oklahoma, with attached transcript of ABC NEWS story on the Fort Reno agriculture research station, 12/11/95.
25. Jason McIntosh deposition, 10/29/97, Exhibit 21: El Reno Tribune, 10/1/95. The El Reno Tribune described the rally:

Rally coordinator Archie Hoffman told the approximately 150 people who attended the event that the Tribes have tried to work with Nickles, but have received little support in return. "We took a plan to Washington, D.C.

and tried to get Nickles to back us up on the plan," Hoffman said. "He said he would. When we got up there, he changed his stance."

26. Jason McIntosh deposition, 10/29/97, Exhibit 21: El Reno Tribune, 10/1/95.

27. Jason McIntosh deposition, 10/29/97, Exhibit 21: El Reno Tribune, 10/1/95.

28. Hoffman stated that "when Senator Nickles sabotaged the council vote, the Tribes decided to run the t.v. ads." Staff interview with Archie Hoffman, 8/21/97.

29. Jason McIntosh deposition, 10/29/97, Exhibit 24.

30. Jason McIntosh deposition, 10/29/97, Exhibit 24.

31. Staff interview with Barry Coburn, 9/16/97.

32. Staff interview with Tyler Todd, 8/21/97.

33. Staff interview with Barry Coburn, 9/16/97.

34. Staff interview with Charles Surveyor, 8/21/97.

35. Staff interview with Richard Grellner, 8/21/97.

36. Staff interview with Barry Coburn, 9/16/97.

37. Staff interview with Michael Turpen, 8/21/97.

38. Staff interview with Richard Grellner, 8/21/97.

39. Staff interview with Richard Grellner, 8/21/97.

40. Staff interview with Richard Grellner, 8/21/97.

41. Cheyenne-Arapaho Tribes of Oklahoma, Working Session transcript, 6/30/96, p. 32.

42. Staff interview with Tyler Todd, 8/21/97.

43. Staff interview with Richard Grellner, 8/21/97; Staff interview with Tyler Todd, 8/21/97.

44. Staff interview with Michael Turpen, 8/21/97.

45. Staff interview with Barry Coburn, 9/19/97.
46. Jason McIntosh deposition, 10/29/97, Exhibit 29: Cheyenne-Arapaho Tribes of Oklahoma, Resolution No. 07099S167, 7/9/96.
47. Staff interview with Charles Surveyor, 8/22/97.
48. Staff interview with Charles Surveyor, 8/22/97.
49. In a March 11, 1997 article in the Daily Oklahoman, Todd was quoted as saying that tribal officials began discussing ways "to get involved in the political process early last year [1996]," and "...[Nickles] was a direct cause of it." Daily Oklahoman, 3/11/97. Todd also told the Philadelphia Inquirer that "[the Tribes] probably wouldn't have done this in the first place if it weren't for Sen. Nickles, because he is the one that has thwarted all our attempts to get Fort Reno back." Philadelphia Inquirer, 3/11/97.
50. Daily Oklahoman, 3/17/97.
51. Washington Post, 3/11/97.
52. Staff interview with Barry Coburn, 9/16/97.
53. Jason McIntosh deposition, 10/29/97, Exhibit 28: Memorandum from Tyler Todd, Chairman, Business Development Corporation to Charles Surveyor, Chairman, Cheyenne and Arapaho Tribes of Oklahoma Business Committee, 4/23/97.
54. Jason McIntosh deposition, 10/29/97, Exhibit 28: Memorandum from Tyler Todd, Chairman, Business Development Corporation to Charles Surveyor, Chairman, Cheyenne and Arapaho Tribes of Oklahoma Business Committee, 4/23/97.
55. Jason McIntosh deposition, 10/29/97, Exhibit 28: Memorandum from Tyler Todd, Chairman, Business Development Corporation to Charles Surveyor, Chairman, Cheyenne and Arapaho Tribes of Oklahoma Business Committee, 4/23/97.
56. Staff interview with Barry Coburn, 9/16/97.
57. Staff interview with Barry Coburn, 9/16/97.
58. Staff interview with Tyler Todd, 8/21/97; Staff interview with Charles Surveyor, 8/22/97.

59. Staff interview with Charles Surveyor, 8/21/97.
60. Staff interview with Barry Coburn, 9/16/97.
61. Staff interview with Barry Coburn, 9/16/97.
62. Staff interview with Richard Grellner, 8/21/97; Staff interview with Barry Coburn interview, 9/16/97.
63. Jason McIntosh deposition, 10/29/97, p.25.
64. Jason McIntosh deposition, 10/29/97, p. 23.
65. Jason McIntosh deposition, 10/29/97, p. 25.
66. Staff interview with Michael Turpen, 8/21/97.
67. Jason McIntosh deposition, 10/29/97, p. 32.
68. Jason McIntosh deposition, 10/29/97, p. 33.
69. Terence McAuliffe deposition, 9/18/97, p. 24.
70. Jason McIntosh deposition, 10/29/97, p. 28.
71. Jason McIntosh deposition, 10/29/97, p. 29.
72. Jason McIntosh deposition, 10/29/97, p. 29.
73. Jason McIntosh deposition, 10/29/97, p. 138.
74. Jason McIntosh deposition, 10/29/97, p. 137.
75. Staff interview with Barry Coburn, 9/19/97.
76. Staff interview with Barry Coburn, 9/19/97.
77. Staff interview with Charles Surveyor, 8/21/97.
78. Staff interview with Richard Grellner, 8/21/97.
79. Staff interview with Archie Hoffman, 8/21/97.
80. Staff interview with Richard Grellner, 8/21/97.
81. Staff interview with Barry Coburn, 9/16/97.
82. Staff interview with Charles Surveyor, 8/21/97.

83. Jason McIntosh deposition, 10/29/97, p. 41.
84. Staff interview with Barry Coburn, 9/16/97.
85. Staff interview with Barry Coburn, 9/16/97.
86. Staff interview with Barry Coburn, 9/16/97.
87. Staff interview with Barry Coburn, 9/16/97.
88. Staff interview with Barry Coburn, 9/16/97.
89. Staff interview with Barry Coburn, 9/16/97.
90. Staff interview with Barry Coburn, 9/16/97.
91. Philadelphia Inquirer, 3/10/97.
92. Staff interview with Charles Surveyor, 8/21/97.
93. Staff interview with Charles Surveyor, 8/21/97.
94. Staff interview with Barry Coburn, 9/16/97.
95. Staff interview with Barry Coburn, 9/16/97.
96. New York Times, 8/12/97.
97. Staff interview with Tyler Todd, 8/21/97.
98. Staff interview with Charles Surveyor, 8/21/97.
99. Newsday, 10/13/97.
100. Staff interview with Barry Coburn, 9/16/97.
101. Staff interview with Barry Coburn, 9/16/97.
102. Terence McAuliffe deposition, 9/18/97, p. 28.
103. Terence McAuliffe deposition, 9/18/97, p. 29.
104. Terence McAuliffe deposition, 9/18/97, p. 30.
105. Jason McIntosh deposition, 10/29/97, Exhibit 32: Cheyenne-Arapaho Tribes of Oklahoma, press release, 6/28/96.
106. Staff interview with Barry Coburn, 9/16/97.

107. Jason McIntosh deposition, 10/29/97, p. 45.
108. Jason McIntosh deposition, 10/29/97, p. 48.
109. Jason McIntosh deposition, 10/29/97, p. 142.
110. Daily Oklahoman, 3/11/97.
111. Staff interview with Charles Surveyor, 8/22/97; Staff interview with Tyler Todd, 8/ 21/97.
112. Staff interview with Tyler Todd, 8/21/97.
113. Daily Oklahoman, 3/11/97.
114. Daily Oklahoman, 3/11/97.
115. Cheyenne-Arapaho Tribes of Oklahoma, Working Session transcript, 6/20/96, p. 18.
116. Cheyenne-Arapaho Tribes of Oklahoma, Working Session transcript, 6/20/96, p. 29.
117. Cheyenne-Arapaho Tribes of Oklahoma, Working Session transcript, 6/20/96, p. 41.
118. Cheyenne-Arapaho Tribes of Oklahoma, Working Session transcript, 6/20/96, p. 42.
119. Cheyenne-Arapaho Tribes of Oklahoma, Working Session transcript, 6/20/96, p. 43.
120. Cheyenne-Arapaho Tribes of Oklahoma, Working Session transcript, 6/20/96, p. 43-44.
121. Cheyenne-Arapaho Tribes of Oklahoma, Working Session transcript, 7/3/96, p. 15.
122. Cheyenne-Arapaho Tribes of Oklahoma, Working Session transcript, 7/3/96, pp. 3-32.
123. Cheyenne-Arapaho Tribes of Oklahoma, Working Session transcript, 7/3/96, p. 44.
124. Jason McIntosh deposition, 10/29/97, Exhibit 29: Cheyenne-Arapaho Tribes of Oklahoma, Resolution No. 070996S167, 7/9/96.
125. Staff interview with Barry Coburn, 9/16/97.

126. Staff interview with Barry Coburn, 9/16/97.
127. Staff interview with Barry Coburn, 9/16/97.
128. Jason McIntosh deposition, 10/29/97, Exhibit 3.
129. Philadelphia Inquirer, 3/10/97.
130. Staff interview with Tyler Todd, 8/21/97.
131. Staff interview with Barry Coburn, 9/16/97.
132. Staff interview with Barry Coburn, 9/16/97.
133. Staff interview with Tyler Todd, 8/21/97.
134. Staff interview with Tyler Todd, 8/21/97.
135. Staff interview with Barry Coburn, 9/16/97.
136. Staff interview with Barry Coburn, 9/16/97.
137. Staff interview with Richard Grellner, 8/21/97.
138. Staff interview with Barry Coburn, 9/16/97.
139. Staff interview with Barry Coburn, 9/16/97.
140. Staff interview with Tyler Todd, 8/21/97.
141. Staff interview with Richard Grellner, 8/21/97.
142. Staff interview with Richard Grellner, 8/21/97.
143. Staff interview with Richard Grellner, 8/21/97.
144. Staff interview with Charles Surveyor, 8/21/97.
145. Staff interview with Richard Grellner, 8/21/97.
146. Staff interview with Richard Grellner, 8/21/97.
147. Staff interview with Richard Grellner, 8/21/97.
148. Staff interview with Richard Grellner, 8/21/97.
149. Staff interview with Richard Grellner, 8/21/97.

150. Staff interview with Richard Grellner, 8/21/97.
151. Staff interview with Richard Grellner, 8/21/97.
152. Staff interview with Barry Coburn, 9/16/97; Michael Copperthite deposition, 9/3/97, p. 20.
153. Staff interview with Barry Coburn, 9/16/97.
154. Staff interview with Barry Coburn, 9/16/97.
155. Staff interview with Barry Coburn, 9/16/97; Federal Election Commission records.
156. Staff interview with Barry Coburn, 9/16/97.
157. Nathan Landow deposition, 9/17/97, p. 19.
158. Nathan Landow deposition, 9/17/97, p. 20.
159. Nathan Landow, deposition, 9/17/97, p. 20.
160. Nathan Landow deposition, 9/17/97, Exhibit 4: Record of Phone Message from Michael Copperthite to Nathan Landow, 11/15/96, NL 024.
161. Nathan Landow deposition, 9/17/97, p. 23; Nathan Landow deposition, 9/17/97, Exhibit 4.
162. Staff interview with Barry Coburn, 9/16/97.
163. Michael Copperthite deposition, 8/27/97, p. 17.
164. Nathan Landow deposition, 9/17/97, p. 26.
165. Nathan Landow deposition, 9/17/97, p. 25.
166. Nathan Landow deposition, 9/17/97, pp. 25-26.
167. Nathan Landow deposition, 9/17/97, pp. 25-26.
168. Nathan Landow deposition, 9/17/97, p. 26.
169. Nathan Landow deposition, 9/17/97, pp. 38-39.
170. Philadelphia Inquirer, 3/10/97.
171. Nathan Landow deposition, 9/17/97, pp. 31-32.

172. Staff interview with Richard Grellner, 8/21/97.
173. Staff interview with Richard Grellner, 8/21/97.
174. Staff interview with Barry Coburn, 9/16/97.
175. Staff interview with Barry Coburn, 9/16/97.
176. Staff interview with Barry Coburn, 9/16/97.
177. Nathan Landow deposition, 9/17/97, p. 43.
178. Staff interview with Barry Coburn, 9/16/97.
179. Staff interview with Barry Coburn, 9/16/97.
180. Staff interview with Barry Coburn, 9/16/97.
181. Nathan Landow deposition, 9/17/97, p. 81.
182. Nathan Landow deposition, 9/17/97, p. 82.
183. Staff interview with Richard Grellner, 8/21/97.
184. Michael Copperthite deposition, 8/27/97, p. 52.
185. Michael Copperthite deposition, 8/27/97, p. 53.
186. Staff interview with Barry Coburn, 9/16/97.
187. Staff interview with Barry Coburn, 9/16/97.
188. Nathan Landow deposition, 9/17/97, p. 82-83.
189. Nathan Landow deposition, 9/17/97, p. 85.
190. Nathan Landow deposition, 9/17/97, p. 83.
191. Nathan Landow deposition, 9/17/97, p. 51-54.
192. Staff interview with Barry Coburn, 9/16/97.
193. Staff interview with Barry Coburn, 9/16/97.
194. Staff interview with Charles Surveyor, 8/21/97.
195. Nathan Landow deposition, 9/17/97, Exhibit 6.

196. Nathan Landow deposition, 9/17/97, p. 104.
197. Nathan Landow deposition, 9/17/97, p. 107-108.
198. Nathan Landow deposition, 9/17/97, p. 108.
199. Nathan Landow deposition, 9/17/97, p. 149-150.
200. Nathan Landow deposition, 9/17/97, p. 44-45.
201. Staff interview with Barry Coburn, 9/16/97.
202. Nathan Landow deposition, 9/17/97, p. 88.
203. Nathan Landow deposition, 9/17/97, Exhibit 11.
204. Nathan Landow deposition, 9/17/97, Exhibit 11.
205. Nathan Landow deposition, 9/17/97, Exhibit 11.
206. Nathan Landow deposition, 9/17/97, p. 141.
207. Nathan Landow deposition, 9/17/97, p. 140.
208. Peter Knight deposition, 9/17/97, p. 172.
209. Peter Knight deposition, 9/17/97, p. 183.
210. Peter Knight deposition, 9/17/97, p. 174.
211. Peter Knight deposition, 9/17/97, p. 176.
212. Peter Knight deposition, 9/17/97, p. 177.
213. Peter Knight deposition, 9/17/97, p. 181.
214. Peter Knight deposition, 9/17/97, p. 181; pp. 171-172.
215. Peter Knight deposition, 9/17/97, pp. 187-188.
216. Nathan Landow deposition, 9/17/97, Exhibit 8.
217. Staff interview with Barry Coburn, 9/16/97.
218. Cody Shearer deposition, 9/16/97, pp. 13-14.
219. Cody Shearer deposition, 9/16/97, p. 12.

220. Cody Shearer deposition, 9/16/97, p. 20-25.
221. Cody Shearer deposition, 9/16/97, p. 15.
222. Staff interview with Richard Grellner, 8/21/97.
223. Cody Shearer deposition, 9/16/97, p. 15.
224. Cody Shearer deposition, 9/16/97, p. 17.
225. Cody Shearer deposition, 9/16/97, p. 19.
226. Cody Shearer deposition, 9/16/97, p. 20.
227. Terry Lenzner, 7/31/97 Hrg., p. 51.
228. Terry Lenzner, 7/31/97 Hrg., p. 53.
229. Staff interview with Richard Grellner, 8/21/97.
230. Terry Lenzner, 7/31/97 Hrg., p. 55.
231. Staff interview with Richard Grellner, 8/21/97.
232. Terry Lenzner, 7/31/97 Hrg., p. 59.
233. Staff interview with Charles Surveyor, 8/21/97.
234. Staff interview with Richard Grellner, 8/21/97.
235. Staff interview with Richard Grellner, 8/21/97.
236. Staff interview with Richard Grellner, 8/21/97.
237. Terry Lenzner, 7/31/97 Hrg., p. 59.
238. Staff interview with Charles Surveyor, 8/21/97.
239. Staff interview with Charles Surveyor, 8/21/97.
240. Staff interview with Charles Surveyor, 8/21/97.
241. Staff interview with Charles Surveyor, 8/22/97.
242. Staff interview with Charles Surveyor, 8/21/97.